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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TRINA GUNNARSON,

Plaintiff,

vs.

ANDREW SAUL,
Commissioner of Social Security,

Defendant.

Case No.: 2:20-cv-02107-CLB

**DEFENDANT'S NOTICE REGARDING
PRODUCTION OF CERTIFIED
ADMINISTRATIVE RECORD**

1 Defendant, Commissioner of Social Security (Commissioner), by his undersigned attorneys,
2 provides notice to the Court and Plaintiff that an electronic copy of the certified administrative record (e-
3 CAR) has been prepared and can now be filed in this matter. However, the Commissioner advises the
4 Court that, at this time, the Office of Appellate Operations (OAO) is not working at full capacity at its
5 official worksite in Falls Church, Virginia. A limited number of staff is now permitted to physically enter
6 the office to work on a very limited basis. While the e-CAR has been prepared, OAO is still unable to
7 provide CD and hard copies of the CAR—which has typically been required in this Court—with any
8 regularity, given the limited staff and overall volume of cases.

9 While the Commissioner typically files the e-CAR under seal, as required by the Court, this filing
10 is only accessible to the Court and not by the parties through CM/ECF. However, it is Defendant's
11 counsel's understanding that a new event has been added to CM/ECF which will allow the Commissioner
12 to file the e-CAR under seal and all case participants will have access to the e-CAR. Accordingly, the
13 Commissioner requests that he be permitted to file the e-CAR under seal using this new event ("Certified
14 Administrative Record under seal") and be relieved of the requirement of preparing CD/hard copies of the
15 CAR. This will allow Plaintiff to access the e-CAR through CM/ECF and for the case to move forward
16 without delay.

17 If the Court does not wish to relieve Defendant of the requirement to prepare CD/hard copies of the
18 CAR, the Commissioner sees no other option than to wait until OAO regains the capacity to provide these
19 additional copies of the CAR, which may require seeking another extension upon the expiration of the
20 current extension, which requires that the Commissioner file the CAR by June 7, 2021. Defendant,
21 however, is able to move forward by filing the e-CAR under seal on CM/ECF on or before June 7, 2021.

22 Dated: May 25, 2021

Respectfully submitted,

23 CHRISTOPHER CHIOU
24 Acting United States Attorney

25 /s/ Daniel P. Talbert
26 DANIEL P. TALBERT
Special Assistant United States Attorney

1 IT IS ORDERED that Defendant shall file the e-CAR under seal on CM/ECF. IT IS FURTHER
2 ORDERED that the sealed e-Car shall be accessible on CM/ECF to Defendant, Plaintiff's counsel, and
3 the Court. IT IS FURTHER ORDERED that Defendant is relieved of his obligations to provide a CD
4 and hard copies of the e-CAR to Plaintiff's counsel and the Court.

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UNITED STATES MAGISTRATE JUDGE

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8 DATED: May 25, 2021
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1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My
3 business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the
4 above-entitled action. On the date set forth below, I caused service of **DEFENDANT'S NOTICE**
5 **REGARDING PRODUCTION OF CERTIFIED ADMINISTRATIVE RECORD** on the following
6 parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System,
7 which provides electronic notice of the filing:

8 Cyrus Safa
9 cyrus.safa@rohlfinglaw.com

10 Attorneys for Plaintiff

11 I declare under penalty of perjury that the foregoing is true and correct.

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13 Dated: May 25, 2021

14 /s/ Daniel P. Talbert
15 DANIEL P. TALBERT
16 Special Assistant United States Attorney
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